

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

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**FIFTEENTH DAY'S PROCEEDINGS**

**Twenty-Ninth Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Wednesday, April 30, 2003

The Senate was called to order at 9:00 o'clock A.M., by Hon. John Hainkel, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Bajoie	Gautreaux	Michot
Barham	Hines	Mount
Boissiere	Hollis	Schedler
Cain	Hoyt	Smith
Chaisson	Johnson	Theunissen
Cravins	Jones, B	Thomas
Dardenne	Jones, CD	Ullo
Dean	Lentini	
Total—29		

**ABSENT**

Bean	Holden	Romero
Fields	Irons	Tarver
Fontenot	Lambert	
Heitmeier	McPherson	
Total—10		

The President of the Senate announced there were 29 Senators present and a quorum.

**Prayer**

The prayer was offered by Senator Barham, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator Barham, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Privilege Report of the  
Legislative Bureau**

April 30, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

**HOUSE BILL NO. 829—**

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(a), relative to the Department of Revenue including provisions; to provide for the re-creation of the Department of Revenue and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 830—**

BY REPRESENTATIVES HAMMETT, BAYLOR, FARRAR, FAUCHEUX,  
HILL, HUNTER, LANDRIEU, ODINET, AND TOWNSEND AND SENATOR  
BARHAM

AN ACT

To enact R.S. 47:1607, relative to refunds issued to a taxpayer in error; to require the secretary to remove or reduce interest on certain refunds issued to a taxpayer in error; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 893—**

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To amend and reenact R.S. 47:1511, relative to the authority of the secretary of the Department of Revenue to promulgate rules and regulations; to require compliance with the Administrative Procedure Act; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1036—**

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM  
AN ACT

To amend and reenact R.S. 47:1519(B), relative to the payment of taxes by electronic funds transfer; to authorize the secretary of the Department of Revenue to require electronic funds transfer for certain taxpayers; to provide for a date of delivery; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1066—**

BY REPRESENTATIVES HAMMETT AND HUNTER AND SENATOR  
BARHAM

AN ACT

To amend and reenact R.S. 47:306(A)(1)(b) and (3)(a) and (B)(4), relative to the state sales and use tax; to change the filing requirements; to provide with respect to dealer compensation; to provide for an effective date; and to provide for related matters.

Reported without amendments.

**HOUSE BILL NO. 1750—**

BY REPRESENTATIVE DANIEL  
AN ACT

To enact R.S. 47:301(10)(w), (13)(j), and (18)(j), relative to local sales and use taxes; to provide for definitions relative to the taxation of the sale of other disposition of certain tangible personal property by a dealer in connection with the sale or use of mobile telecommunications services; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted,  
LOUIS LAMBERT  
Chairman

**Adoption of Legislative Bureau Report**

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

**Senate Resolutions  
on Second Reading to be Referred**

The following Senate Resolutions were read by title and referred to committees as follows:

**SENATE RESOLUTION NO. 26—  
BY SENATOR HOYT****A RESOLUTION**

To direct the Senate Committee on Environment Quality to meet on Tuesday, May 6, 2003 at 9:30 o'clock a.m. and report House Bill 1570 to the Senate.

On motion of Senator Hoyt, the resolution was read by title and withdrawn from the files of the Senate.

**House Bills and Joint Resolutions  
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 585—  
BY REPRESENTATIVE FAUCHEUX  
AN ACT**

To enact R.S. 56:769, relative to wildlife management areas; to provide for leases within the Maurepas Wildlife Management Area; to provide for terms of leases; to provide for renewal of leases; to provide for removal of permanent improvements; to provide for subordination of leases to mineral leases; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 639—  
BY REPRESENTATIVE WINSTON  
AN ACT**

To amend and reenact R.S. 17:416(C)(2)(a)(ii) and (b)(ii), relative to the expulsion of students found guilty of certain drug offenses; to provide for an exception to such required expulsion under certain circumstances; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Education.

**HOUSE BILL NO. 981—  
BY REPRESENTATIVE STRAIN  
AN ACT**

To amend and reenact R.S. 9:4751(2), relative to dieticians; to include "dietician" in a certain definition of "health care provider"; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1067—  
BY REPRESENTATIVE PINAC  
AN ACT**

To amend and reenact R.S. 6:969.15(A)(introductory paragraph) and (1) and R.S. 9:3527(A)(introductory paragraph) and (1) and (C)(1) and to repeal R.S. 9:3527(C)(2), relative to consumer credit; to provide relative to delinquency charges in motor vehicle credit transactions and consumer credit transactions; to provide relative to written notices of delinquency charges; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

**HOUSE BILL NO. 1096—  
BY REPRESENTATIVE THOMPSON  
AN ACT**

To enact R.S. 44:4(37), relative to records of the office of conservation; to exempt certain records from public records laws; to provide terms and conditions; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1137—  
BY REPRESENTATIVE TOWNSEND  
AN ACT**

To amend and reenact R.S. 56:103(B) and (C)(1) and 104(A)(3) and (4) and to repeal R.S. 56:140, to authorize the taking of bobcats and foxes under a big game hunting license; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 1228—  
BY REPRESENTATIVE ANSARDI  
AN ACT**

To amend and reenact Children's Code Article 423(A)(2) and (3), relative to juvenile court; to authorize hearing officers to accept agreements reached in mediation; to provide for application to parishes with a population over four hundred forty thousand; to provide for expiration; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 1230—  
BY REPRESENTATIVE MARTINY  
AN ACT**

To amend and reenact R.S. 44:4.1(B)(7) and to enact R.S. 15:570(E) and (F), relative to execution; to provide that the identities of certain persons who participate in executions of the death sentence shall be confidential; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1250—  
BY REPRESENTATIVE TRICHE  
AN ACT**

To amend and reenact R.S. 47:1642, relative to the criminal penalty for tax evasion; to increase the penalty for tax evasion; to provide for an effective date; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1266—  
BY REPRESENTATIVE TOWNSEND  
AN ACT**

To amend and reenact Code of Criminal Procedure Article 914(B), relative to appeals; to provide for the time in which a motion for an appeal must be made; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1358—**

BY REPRESENTATIVES BRUNEAU AND LANCASTER (BY FEDERAL MANDATE)

AN ACT

To amend and reenact R.S. 18:24 and 574(A)(2) and to enact Subparts F and G of Part V of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:566 through 567.6, relative to provisional voting and Title III complaint procedures as mandated by the Help America Vote Act of 2002; to provide for the powers and duties of the state board of election supervisors to extend to Title III complaint procedures; to provide for the compilation and promulgation of election results to include any counted provisional votes; to provide for provisional voting on election day and in person absentee; to provide for provisional voting in the event that the poll hours of an election for federal office are extended; to provide for the registrar of voters to record who uses a provisional ballot; to provide for agencies to provide and compile information as necessary to determine whether a provisional ballot shall be counted; to provide for the tabulation of provisional votes; to provide for the voter to determine whether his provisional vote was counted; to provide for a complaint procedure for alleged violations of Title III of the Help American Vote Act; to provide for a procedure for filing a complaint; to provide for procedures for processing the complaint; to provide for the board to conduct a hearing and provide a final decision and the reasons therefor; to provide for remedies; to provide for the Division of Administrative Law to assign the complaint to an administrative law judge if the complaint is not heard or decided timely by the board of election supervisors; to provide for the computation of time intervals; to provide for the complaint procedure to be exempt from the administrative hearing process of Chapter 13-B of Title 49; to provide for judicial review of a final decision of the board or resolution of the administrative law judge; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 1362—**

BY REPRESENTATIVES DANIEL, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact R.S. 3:4622 and to enact R.S. 3:4603(B)(9), relative to weights and measures; to provide for the appointment of commission members; to increase the registration fees for commercial weighing and measuring devices; to create the Weight and Measures Fund; to provide for deposit to the fund and appropriation from the fund; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Agriculture.

**HOUSE BILL NO. 1378—**

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 39:100.1(C) and to enact R.S. 39:100.1(D) and R.S. 47:1602.1, relative to the Sports Facility Assistance Fund; to provide for the use of monies in the fund; to provide for the attribution of income taxes to the fund; to provide for penalties for failure of nonresident professional athletes and professional sports franchises to file income tax returns; to provide for an effective date; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 1445—**

BY REPRESENTATIVES HEBERT AND TUCKER

AN ACT

To amend and reenact R.S. 22:844(A)(4), relative to investments by domestic insurers; to provide for bonds by public entities; to provide for limits; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 1528—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A)(26) and (27), relative to responsive verdicts; to provide for responsive verdicts for theft and attempted theft; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1554—**

BY REPRESENTATIVES MURRAY, DEWITT, AND TUCKER

AN ACT

To amend and reenact R.S. 23:1514(A)(1), (B), and (C), 1553(B)(7)(a) (introductory paragraph), (8), (9)(a) (introductory paragraph), (10), and (11)(a) (introductory paragraph) and to repeal R.S. 23:1474(J), relative to the workforce development training account; to provide for individual, standardized training of incumbent workers; to provide for eligibility requirements for businesses; to establish procedure for requests for training and reimbursements; to provide to selection of training provider; to allow the use of funds to cover unemployment insurance functions; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

**HOUSE BILL NO. 1614—**

BY REPRESENTATIVES TUCKER AND ARNOLD

AN ACT

To amend and reenact R.S. 14:71.2, R.S. 16:15.1, and R.S. 47:820.5.1 and 820.5.2 and to enact R.S. 47:820.5.3, relative to toll collections on the Crescent City Connection and the Greater New Orleans Expressway; to provide for police powers of the Crescent City Connection Division and of the Greater New Orleans Expressway Commission; to facilitate collection of tolls by video or photo-monitoring systems; to provide penalties; to provide for the crime of failure to pay bridge or causeway tolls; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 1641—**

BY REPRESENTATIVE DEVILLIER

AN ACT

To amend and reenact Code of Criminal Procedure Articles 262, 271(A), and 272, and to enact Code of Criminal Procedure Article 262.1 and 281, relative to extradition; to provide with respect to the authority of the governor in extradition cases; to provide with respect to admitting a person to bail in extradition cases; to provide with respect to the surrender of a person against whom a criminal prosecution is pending in this state; to provide authority to charge an extradited person with crimes other than the crime for which he was extradited; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary B.

### HOUSE BILL NO. 1776—

BY REPRESENTATIVES MONTGOMERY AND L. JACKSON  
AN ACT

To amend and reenact R.S. 27:392(B)(2)(b), (3)(a), (b), and (c)(i), (4), and (5), relative to the distribution of revenues derived under the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to change the dedication of certain monies derived from the conduct of slot machine gaming in Bossier Parish; to make certain technical corrections; to provide for an effective date; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Judiciary B.

### HOUSE BILL NO. 1800 (Substitute for House Bill No. 1076 by Representative Powell)—

BY REPRESENTATIVE POWELL

AN ACT

To amend and reenact R.S. 34:1951 and 1952 and to repeal R.S. 34:1952.1, relative to the South Tangipahoa Parish Port Commission; to provide that the governing authority of Tangipahoa Parish shall serve as the port commission; to delete provisions relative to the appointment, compensation, and vacancies, relative to commission members; to delete certain provisions relative to commission meetings; to provide relative to the powers of the governing authority; to authorize the governing authority to hire a port director; to provide relative to the port director's powers and duties; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

### Senate Bills and Joint Resolutions on Second Reading Reported by Committees

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

### SENATE BILL NO. 9—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 33:1421(C), relative to participation by sheriffs in a deferred compensation plan; authorizes participation by sheriffs in the matched portion of an eligible deferred compensation program established pursuant to Section 457 of the Internal Revenue Code; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

### SENATE BILL NO. 255—

BY SENATOR DARDENNE

AN ACT

To amend and reenact Code of Civil Procedure Art. 2031, relative to revival of judgments; to provide for the revival of money judgments by ex parte motion; to remove the requirement of serving the judgment debtor; to provide that notice of signing of the judgment of revival be sent to the debtor; to provide for attorney's fees; to provide for annulment of a judgment revived by fraud or in error; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

### SENATE BILL NO. 304—

BY SENATOR DARDENNE

AN ACT

To amend and reenact Code of Civil Procedure Arts. 3603.1(A), 3604(C), 3607.1(A), and 3610, Code of Criminal Procedure Arts. 29(B), 30, 327.1, 335.1(A), 871.1 and 895(L)(1), R.S. 9:366 and 372(A), R.S. 13:4243(B) and 4248(A) and (C), R.S. 14:79(A)(1) and (2) and (E), R.S. 46:2135 (A)(2), 2136(A)(2), 2136.2(A) and (B), the introductory paragraph of 2140, 2140(1) and (2) and to enact R.S. 9:372.1, R.S. 46:1842(9)(d) and 2151(C), all relative to domestic violence; to provide for payment of costs for a peace bond and security for a temporary restraining order or preliminary injunction by a victim of domestic violence; to provide for filing and transmittal of Uniform Abuse Prevention Orders; to provide for the definition of dating violence; to provide for protective order relief relative to possession of the family home; to provide for the duties of law enforcement officers relative to domestic abuse; to provide for injunctions against harassment; to delete certain notice requirements in protective order proceedings; to provide relative to the violation and enforcement of foreign protective orders; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 304 by Senator Dardenne

#### AMENDMENT NO. 1

On page 1, line 3, after "3607.1(A)" insert "and (B)"

#### AMENDMENT NO. 2

On page 1, line 6, after "2136.2(A)" change "and (B)" to ", (B) and (F)"

#### AMENDMENT NO. 3

On page 2, line 6, after "3607.1(A)" insert "and (B)"

#### AMENDMENT NO. 4

On page 3, between lines 25 and 26 insert the following:

"B. Where a temporary restraining order, preliminary injunction, or permanent injunction relative to domestic abuse or dating violence is issued, dissolved, or modified, the clerk of court shall transmit the Uniform Abuse Prevention Order to the Louisiana Protective Order Registry, R.S. 46:2136.2(A), by facsimile transmission, mail, or direct electronic input, where available, as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court."

#### AMENDMENT NO. 5

On page 10, delete line 13

#### AMENDMENT NO. 6

On page 10, line 21, change "Article ~~3604~~," to "Articles 3604 and" change "Article ~~335.1~~" to "Articles 335.1"

#### AMENDMENT NO. 7

On page 10, line 22, after "327.1" insert "335.1"

#### AMENDMENT NO. 8

On page 10, line 27, change "Article ~~3604~~" to "Articles 3604 and"

#### AMENDMENT NO. 9

On page 11, at the beginning of line 4, change "~~(2)~~" to "(2)"

#### AMENDMENT NO. 10

On page 11, at the end of the line 21, change "Article" to "Articles"

AMENDMENT NO. 11

On page 11, line 22, change " 3604" to "3604 and" and change "Article 335.1" to "Articles 335.1" and after "327.1" insert "335.1"

AMENDMENT NO. 12

On page 11, line 26, change "Article 3604" to "Articles 3604 and"

AMENDMENT NO. 13

On page 12, between lines 2 and 3 insert asterisk "\*" \* \*

AMENDMENT NO. 14

On page 12, line 3, after "2136.2(A)" change "and (B)" to ", (B) and (F)"

AMENDMENT NO. 15

On page 12, delete line 18 and insert the following:  
"A. Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The order may include, but is not limited to, the following:

\* \* \*

AMENDMENT NO. 16

On page 14, between lines 5 and 6, insert the following:

\* \* \*

F. The judicial administrator's office shall make the Louisiana Protective Order Registry available to state and local law enforcement agencies, district attorney offices, the Department of Social Services, office of family support, support enforcement services, office of community services, and the courts.

\* \* \*

AMENDMENT NO. 17

On page 15, delete line 6

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 320—**

BY SENATOR CHAISSON

AN ACT

To amend R.S. 14:98(A)(1)(d) and (e), relative to the offense of driving while intoxicated; to provide relative to driving under the influence of a drug which is not a controlled dangerous substance; to provide an affirmative defense for such charge under certain conditions; to provide relative to driving under the influence of a combination of alcohol and a drug which is not a controlled dangerous substance; to provide an affirmative defense for such charge under certain conditions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 333—**

BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 14:212(A), relative to offenses against property; to provide that willfully or knowingly making false statements relative to the ownership interest, tract name or property description of forest products during a transaction is a crime; to provide criminal penalties therefor; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 333 by Senator Barham

AMENDMENT NO. 1

On page 2, line 2, between "harvested," and "with" insert "or"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 373—**

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 44:9(A), relative to criminal records; to provide relative to court ordered expungement of arrest records; to authorize a processing fee for such expungement; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 373 by Senator Schedler

AMENDMENT NO. 1

On page 3, line 7, change "such" "the processing"

AMENDMENT NO. 2

On page 3, line 8, after "filed" insert "and may collect a fee of up to ten dollars to cover the clerk's administrative costs"

AMENDMENT NO. 3

On page 3, line 9, change "award the" to "direct the collected processing fee"

AMENDMENT NO. 4

On page 3, line 10, after "Information" insert "and the processing fee amount shall be deposited immediately upon receipt into the Criminal Identification and Information Fund"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 402—**

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2012(D), relative to environmental quality; to provide that the Department of Environmental Quality develop new criteria for compliance inspections; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 402 by Senator Fontenot

AMENDMENT NO. 1

On page 2, between lines 23 and 24, insert the following:

"5. Any grant or funding commitments made by the department."

AMENDMENT NO. 2

On page 2, line 24, change "5." to "6."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 406—**  
BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 14:32.1(A)(5) and (6), 39.1(A)(4) and (5), and 39.2(A)(4) and (5), relative to crimes related to assault and battery; to provide relative to vehicular homicide, vehicular negligent injuring, and first degree vehicular negligent injuring; to eliminate certain elements of such crimes; to provide for the lack of such elements to be available as an affirmative defense to certain charges of such crimes; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 572—**  
BY SENATOR DARDENNE

**AN ACT**

To amend and reenact R.S. 40:1299.96(A)(2)(b), relative to health care records; to provide that the cost limitation shall apply to any party to pending litigation; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 572 by Senator Dardenne

**AMENDMENT NO. 1**

On page 2, at the end of line 6, after "hospitals" insert "and nursing homes"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 576—**  
BY SENATORS FONTENOT AND CAIN  
**AN ACT**

To enact R.S. 30:2050.7(E)(4), relative to settlements by the secretary of the Department of Environmental Quality of suits for civil penalties; to provide relative to uses of settlement money; to authorize the payment of such settlements; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 577—**  
BY SENATOR FONTENOT

**AN ACT**

To enact R.S. 30:2025(D), relative to enforcement of environmental violations; to provide for citations for minor environmental violations; to authorize the secretary to promulgate rules and regulations; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 577 by Senator Fontenot

**AMENDMENT NO. 1**

On page 1, line 3, delete "citations" and insert "a program for expedited enforcement"

**AMENDMENT NO. 2**

On page 1, line 11, change "Field citations" to "Expedited enforcement program"

**AMENDMENT NO. 3**

On page 1, at the beginning of line 12, insert "(1)"

**AMENDMENT NO. 4**

On page 1, line 13, delete "program for the issuance of citation in the field" and insert "program for expedited enforcement"

**AMENDMENT NO. 5**

On page 2, line 2, delete "issue such citations" and insert "operate such program"

**AMENDMENT NO. 6**

On page 2, line 3, delete "Such citations are not" and insert "Enforcement actions under this program will not be"

**AMENDMENT NO. 7**

On page 2, line 4, after "30:2050.1(C)." insert the following:

"Citations issued pursuant to this Section are limited to minor or moderate violations not to exceed fifteen hundred dollars per violation or an aggregate total of three thousand dollars per violator.

(2) For the purpose of this program, the following shall apply:

(a) The department shall develop a plan for the implementation of a pilot program which shall provide that (i) persons affected by the program shall have the option to proceed under any other applicable enforcement process, including legal review under R.S. 30:2050.1(C), (ii) enforcement actions shall not be considered a violation until either paid under this Subsection or considered a violation under any other applicable enforcement process, and (iii) the pilot program shall include one of the following programs administered by the department: water, air, solid waste, hazardous waste, radiation protection, or underground storage tanks.

(b) The department shall evaluate the pilot program and provide a report on such evaluation to the House Committee on Environment and the Senate Committee on Environmental Quality by March 1, 2004."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 582—**  
BY SENATOR MARIONNEAUX  
**AN ACT**

To enact R.S. 30:2006, relative to environmental quality; to provide for the mandatory notification of residents by certain state agencies for environmental contamination; to provide for a definition of "notice"; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 612—**  
BY SENATOR B. JONES  
**AN ACT**

To enact R.S. 46:153.4 and to repeal R. S. 46:153(G), relative to the Department of Health and Hospitals; to provide for the Medicaid Estate Recovery program in the department; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 627—**

BY SENATOR IRONS

## AN ACT

To amend and reenact R.S. 14:102.1(A)(1)(c) and (B)(1), relative to offenses affecting the public sensibility; to provide relative to cruelty to animals; to provide relative to the care of animals; to provide relative to the killing of animals; and to provide for related matters.

Reported with amendments by the Committee on Agriculture.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Agriculture to Original Senate Bill No. 627 by Senator Irons

AMENDMENT NO. 1

On page 2, line 4 change "or ~~mutilates~~, ~~mutilates~~" to "or mutilates"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 711—**

BY SENATOR MARIONNEAUX

## AN ACT

To enact R.S. 14:67.22, relative to crimes of misappropriation without violence; to provide relative to fraud; to create the crime of fraudulent acquisition of a credit card; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 752—**

BY SENATOR LENTINI

## AN ACT

To enact Code of Criminal Procedure Art. 324(A)(4), relative to bail; to provide relative to bail through cash deposits; to authorize the court in Jefferson Parish to reduce the percentage amount of the bail to be deposited; to authorize an administrative fee; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 767—**

BY SENATOR CHAISSON

## AN ACT

To amend and reenact R.S. 32:666(A) and to enact R.S. 14:98.2 and R.S. 32:661(C)(1)(f), relative to crime; to create the crime of refusal to submit to chemical test of blood content of alcohol, controlled dangerous substances or abused substances after arrest for third and subsequent offense of driving while intoxicated; to require informing such arrested persons of the penalty for not submitting to the test; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 767 by Senator Chaisson

AMENDMENT NO. 1

On page 1, at the end of line 5, delete "third and"

AMENDMENT NO. 2

On page 1, at the beginning of line 6, change "subsequent" to "an" and after "intoxicated" add "after refusing to submit to such test on two separate and previous occasions with respect to any previous such violation"

AMENDMENT NO. 3

On page 2, line 1, after "a" delete "third or subsequent"

AMENDMENT NO. 4

On page 2, line 4, after "officer" add "if he has refused to submit to such test on two previous and separate occasions of any previous such violation"

AMENDMENT NO. 5

On page 3, line 22, after "to" change "the" to "a"

AMENDMENT NO. 6

On page 3, at the beginning of line 23, change "a third or subsequent" to "an" and after "intoxicated" add "if he has refused to such test on two previous and separate occasions of any previous such violation"

AMENDMENT NO. 7

On page 4, at the end of line 6, change "**in any case of**" to "**if he has refused to submit to such test on two previous and separate occasions of any previous such violation or**"

AMENDMENT NO. 8

On page 4, at the beginning of line 7, delete "**third or subsequent offense of driving while intoxicated or**"

AMENDMENT NO. 9

On page 5, at the end of line 17, delete "third or"

AMENDMENT NO. 10

On page 5, at the beginning of line 18, delete "subsequent offense of a"

AMENDMENT NO. 11

On page 5, line 20, after "test" add "if he has refused to submit to a chemical test on two previous and separate occasions of any previous such violation"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 802—**

BY SENATOR SMITH

## AN ACT

To amend and reenact R.S. 9:315.14, relative to child support; to provide an exception to the mandatory minimum payment in certain cases; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 802 by Senator Smith

AMENDMENT NO. 1

On page 1, line 11, after "**or**" insert "**the court may,**"

AMENDMENT NO. 2

On page 1, line 12, delete "**serious health problems that limit**" and insert "**a medically documented disability that limits**"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

# Page 8 SENATE

April 30, 2003

## 15th DAY'S PROCEEDINGS

### SENATE BILL NO. 820— BY SENATOR DARDENNE

#### AN ACT

To enact R.S. 15:147(A)(1)(d), (e), (f), and (g), relative to right to counsel in criminal cases; to provide with respect to the defense of indigents; to provide for the collection of a one-time forty dollar fee from criminal defendants seeking representation by the indigent defender board; to provide for collection and distribution of fees; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 820 by Senator Dardenne

##### AMENDMENT NO. 1

On page 2, line 7, change "clerk of court" to "indigent defender board or its designee"

##### AMENDMENT NO. 2

On page 2, line 8, change "clerk" to "board"

##### AMENDMENT NO. 3

On page 2, delete lines 14 and 15 and insert "(e) The proceeds shall be deposited to the"

##### AMENDMENT NO. 4

On page 2, delete lines 17 through 19 and insert "the application was made."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### SENATE BILL NO. 851— BY SENATOR ELLINGTON

#### AN ACT

To amend and reenact Code of Civil Procedure Art. 1732(1), relative to jury trials; to provide for the limitations on the availability of jury trials; to reduce the monetary amount in controversy necessary to have a jury trial; and to provide for related matters.

Reported favorably by the Committee on Judiciary A.

Senator Marionneaux moved that Senate Bill No. 851 be recommitted to the Committee on Judiciary A.

Senator Ellington objected.

#### ROLL CALL

The roll was called with the following result:

##### YEAS

Bajoie	Dupre	Marionneaux
Cain	Hines	Mount
Cravins	Malone	
Total—8		

##### NAYS

Mr. President	Ellington	Schedler
Adley	Gautreaux	Smith
Barham	Hollis	Theunissen
Boissiere	Hoyt	Ullo
Dardenne	Johnson	
Dean	Lentini	
Total—16		

##### ABSENT

Bean  
Chaisson  
Fields  
Fontenot  
Heitmeier  
Total—15

Holden  
Irons  
Jones, B  
Jones, CD  
Lambert

McPherson  
Michot  
Romero  
Tarver  
Thomas

The Chair declared the Senate refused to recommit the bill.

On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

### SENATE BILL NO. 855— BY SENATOR ELLINGTON

#### AN ACT

To amend R.S. 9:315(C)(4)(a), relative to the determination of child support; to provide for a gift to be included when determining gross income for the purposes of child support; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 855 by Senator Ellington

##### AMENDMENT NO. 1

On page 1, line 14, after "income," and before "gifts," insert "monetary"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### SENATE BILL NO. 964— BY SENATOR B. JONES

#### AN ACT

To amend and reenact R.S. 14:403.2(D)(5), R.S. 14:403.2(E)(6) through (8), (F)(1), (G), (I)(2), (N)(1) through (4), relative to abuse and neglect of adults, to provide for reports to law enforcement; to provide access to information necessary for abuse and neglect investigations; to provide relative to hearings on abuse and neglect; to provide for both verbal and emergency protective orders; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

#### SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 964 by Senator B. Jones

##### AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and add the following:

"To amend and reenact R.S. 14:403.2(E)(6) through (8), the introductory paragraph of (F)(1) and (F)(1)(e), (G), (I)(2), and (N)(1) through (4) and to enact R.S. 14:403.2(D)(5), relative to abuse and neglect of"

##### AMENDMENT NO. 2

On page On page 1, delete lines 9 through 11 and add the following:

"Section 1. R.S. 14:403.2(E)(6) through (8), the introductory paragraph of (F)(1) and (F)(1)(e), (G), (I)(2), and (N)(1) through (4) are hereby amended and reenact and R.S. 14:403.2(D)(5) is hereby enacted to read as follows"

##### AMENDMENT NO. 3

On page 2, line 10, after "in" change "subsection" to "Subsection"



AMENDMENT NO. 4

On page 2, at the beginning of line 26, change "(8) (a)" to "(8)(a)"

AMENDMENT NO. 5

On page 3, at the beginning of line 11, after "a record" delete the comma ","

AMENDMENT NO. 6

On page 3, line 19, after "patient" add a comma ","

AMENDMENT NO. 7

On page 3, line 20, after "record" add a comma ","

AMENDMENT NO. 8

On page 4, line 2, after "document" change "in" to "to"

AMENDMENT NO. 9

On page 4, at the beginning of line 4, change "(9)(8)" to "(8)(9)"

AMENDMENT NO. 10

On page 5, at the beginning of line 14, after "I." add "(1) \* \* \*

AMENDMENT NO. 11

On page 6, at the beginning of line 16, change "N (1)" to "N(1)"

AMENDMENT NO. 12

On page 7, line 20, after "three" delete "ten"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 965—**

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 13:5209(B) and to enact R.S. 13:5206.1, relative to small claim courts; to provide for the waiver of right to appeal; to provide for the transfer of proceedings from small claims division; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 965 by Senator Michot

AMENDMENT NO. 1

On page 1, line 2, after "reenact" change "R.S. 13:5209(B)" to "R.S. 13:5204(B) and 5209(B)"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." change "R.S. 13:5209(B) is" to "R.S. 13:5204(B) and 5209(B) are"

AMENDMENT NO. 3

On page 1, between lines 8 and 9 insert the following"  
"§5204. Service of citation; extension of delay to answer  
\* \* \*

B. Notwithstanding any other provision of law to the contrary, each citation or other process shall contain a notice which provides substantially as follows:

"ATTENTION!

THIS LAWSUIT IS FILED IN THE SMALL CLAIMS COURT.

THE ORDINARY RULES OF EVIDENCE DO NOT APPLY IN SMALL CLAIMS COURT.

IF YOU LOSE IN SMALL CLAIMS COURT, YOU HAVE NO RIGHT TO APPEAL THE COURT'S DECISION.

YOU MAY HAVE THIS CASE TRANSFERRED TO THE REGULAR CIVIL COURT IF ~~YOU WISH~~ ALL PARTIES

AGREE. TO DO SO, YOU MUST FILE A WRITTEN NOTICE WITH THE CLERK OF THE SMALL CLAIMS COURT AND PAY THE APPROPRIATE TRANSFER FEE WITHIN TEN (10) DAYS OF RECEIVING THIS LETTER.

IF YOU ARE UNSURE OF WHAT TO DO, YOU SHOULD TALK WITH AN ATTORNEY ABOUT IT IMMEDIATELY."

\* \* \*

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 1041—**

BY SENATOR IRONS

AN ACT

To amend and reenact R.S. 9:2440, relative to testaments; to provide for the continued validity of certain previously executed testaments; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1041 by Senator Irons

AMENDMENT NO. 1

On page 1, after line 12, insert the following:

"Section 2. The provisions of this Act are intended to be remedial and curative."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**HOUSE BILL NO. 130—**

BY REPRESENTATIVE JOHN SMITH

AN ACT

To authorize the commissioner of the Department of Agriculture and Forestry to exchange certain property in Beauregard Parish with the Cooper Cemetery Association; to provide for property descriptions; to provide for the reservation of mineral rights; to provide for terms and conditions; and to provide for related matters.

Reported favorably by the Committee on Agriculture. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 1226—**

BY REPRESENTATIVE THOMPSON AND SENATOR SMITH

AN ACT

To amend and reenact R.S. 3:264(B)(introductory paragraph), 266(19), 314(C), 414, 446.5(G), 543(C), 544(B)(5), 1604(A)(3), 3391.5(A), and 4402(A), R.S. 15:1153(B)(2)(d), and R.S. 49:327.1(N), 327.2(P), and 968(B)(18), relative to the House and Senate agriculture committees; to change various statutes to provide for the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development; and to provide for related matters.

Reported favorably by the Committee on Agriculture. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

## Recess

On motion of Senator Boissiere, the Senate took a recess until 2:00 o'clock P.M.

## After Recess

The Senate was called to order at 2:00 o'clock P.M. by the President of the Senate.

## ROLL CALL

The roll being called, the following members answered to their names:

### PRESENT

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, CD	Ullo
Ellington	Lentini	
Fields	Malone	
Total—37		

### ABSENT

Bean	Lambert
Total—2	

The President of the Senate announced there were 37 Senators present and a quorum.

## Senate Business Resumed

### Rules Suspended

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of taking up at this time.

### Introduction of Senate Concurrent Resolutions

Senator Dardenne asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

#### SENATE CONCURRENT RESOLUTION NO. 68—

BY SENATORS HAINKEL, BOISSIERE, AND ULLO

#### A CONCURRENT RESOLUTION

To offer the condolences of the Louisiana Legislature on behalf of its members, present and past, and on behalf of the citizens of the state to the family of Philomene Shilleci Bagert.

The resolution was read by title. Senator Hainkel moved to adopt the Senate Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Ellington	Lentini
Adley	Fontenot	Malone
Bajoie	Gautreaux	Mount
Barham	Heitmeier	Romero
Cain	Hines	Smith
Chaisson	Holden	Tarver
Cravins	Hollis	Theunissen
Dardenne	Hoyt	Thomas
Dean	Johnson	Ullo
Dupre	Jones, CD	
Total—29		

### NAYS

Total—0

### ABSENT

Bean	Jones, B	Michot
Boissiere	Lambert	Schedler
Fields	Marionneaux	
Irons	McPherson	
Total—10		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

#### SENATE CONCURRENT RESOLUTION NO. 69—

BY SENATOR DARDENNE

#### A CONCURRENT RESOLUTION

To commend and congratulate WAFB-TV Channel 9 for fifty years of broadcasting in Baton Rouge.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Ellington	Lentini
Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	Mount
Cain	Hines	Romero
Chaisson	Holden	Smith
Cravins	Hollis	Tarver
Dardenne	Hoyt	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, CD	Ullo
Total—30		

### NAYS

Total—0

### ABSENT

Bean	Irons	McPherson
Boissiere	Jones, B	Michot
Fields	Lambert	Schedler
Total—9		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

April 30, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 60—  
BY SENATOR HAINKEL****A CONCURRENT RESOLUTION**

To commend Senator Don Hines on being honored by the American Heart Association as the recipient of the Louisiana Advocate of the Year Award and the Southeast Affiliates Advocate of the Year Award.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

April 30, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 135—  
BY REPRESENTATIVES QUEZAIRE AND DEVILLIER AND SENATOR  
MARIONNEAUX****A CONCURRENT RESOLUTION**

To express the condolences of the Legislature of Louisiana upon the death of Mrs. Ethel Wilson.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Adley asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 135—**

BY REPRESENTATIVES QUEZAIRE AND DEVILLIER AND SENATOR  
MARIONNEAUX

**A CONCURRENT RESOLUTION**

To express the condolences of the Legislature of Louisiana upon the death of Mrs. Ethel Wilson.

The resolution was read by title. Senator Marionneaux moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Smith
Chaisson	Hoyt	Tarver
Cravins	Irons	Theunissen
Dean	Johnson	Ullo
Dupre	Jones, CD	
Ellington	Lentini	
Total—31		

**NAYS**

Total—0

**ABSENT**

Bean	Jones, B	Schedler
Dardenne	Lambert	Thomas
Fields	McPherson	
Total—8		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON****INSURANCE**

Senator Tarver, Chairman on behalf of the Committee on Insurance, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Insurance to submit the following report:

**SENATE BILL NO. 581—  
BY SENATOR LENTINI****AN ACT**

To enact R.S. 22:1514.3, relative to liability insurance; to define solicitation of bail bonds; to provide for prohibited solicitation; to provide for penalties for prohibited solicitation; and to provide for related matters.

Reported with amendments.

# Page 12 SENATE

April 30, 2003

## 15th DAY'S PROCEEDINGS

### SENATE BILL NO. 955— BY SENATOR GAUTREAUX

#### AN ACT

To enact R.S. 22:1476, relative to insurers; to provide for certain requirements for determining the value of surplus and undivided profits; and to provide for related matters.

Reported with amendments.

### SENATE BILL NO. 958— BY SENATOR IRONS

#### AN ACT

To enact R.S. 22:215.22, relative to health insurance; to require certain health insurance policies, contracts, and plans to provide coverage for prescription birth control drugs; to provide relative to copayments or coinsurances; to provide for exclusions; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
GREGORY TARVER  
Chairman

### Senator Ellington in the Chair

#### Reconsideration

On motion of Senator Heitmeier, pursuant to the previous notice given, the vote by which the following bill failed to pass on Tuesday, April 29, 2003 was reconsidered.

### SENATE BILL NO. 663—

BY SENATOR HEITMEIER AND REPRESENTATIVES MONTGOMERY AND SCALISE

#### AN ACT

To enact R.S. 27:3(24), relative to the Louisiana Gaming Control Law; to provide for a definition of a "Louisiana business", "Louisiana company", or "Louisiana corporation"; and to provide for related matters.

#### Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

#### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Cain to Engrossed Senate Bill No. 663 by Senator Heitmeier

#### AMENDMENT NO. 1

On page 1, line 14, after "a" and before "business" insert "poultry"

#### AMENDMENT NO. 2

On page 2, delete lines 4 through 8

Senator Cain moved adoption of the amendments.

Senator Heitmeier objected.

#### ROLL CALL

The roll was called with the following result:

##### YEAS

Bajoie	Fontenot	Malone
Barham	Gautreaux	Marionneaux
Boissiere	Hines	Romero
Cain	Hollis	Schedler
Cravins	Hoyt	Smith

Dardenne  
Dupre  
Ellington  
Total—24

Irons  
Jones, B  
Jones, CD

Tarver  
Thomas  
Ullo

##### NAYS

Adley  
Chaisson  
Dean  
Heitmeier  
Total—10

Holden  
Johnson  
Lentini  
Michot

Mount  
Theunissen

##### ABSENT

Mr. President  
Bean  
Total—5

Fields  
Lambert

McPherson

The Chair declared the amendments were adopted.

The bill was read by title. Senator Heitmeier moved final passage of the amended bill.

#### ROLL CALL

The roll was called with the following result:

##### YEAS

Adley  
Bajoie  
Barham  
Cain  
Chaisson  
Dardenne  
Dean  
Dupre  
Ellington  
Total—26

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hoyt  
Johnson  
Jones, B  
Jones, CD

Lentini  
Malone  
Michot  
Mount  
Schedler  
Smith  
Theunissen  
Thomas

##### NAYS

Boissiere  
Cravins  
Hollis  
Total—8

Irons  
Marionneaux  
Romero

Tarver  
Ullo

##### ABSENT

Mr. President  
Bean  
Total—5

Fields  
Lambert

McPherson

The Chair declared the amended bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### Senate Bills and Joint Resolutions Returned from the House of Representatives with Amendments

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

### SENATE BILL NO. 225—

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI AND TARVER AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRUGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON

## A JOINT RESOLUTION

Proposing to amend Article VIII, Section 3(A), relative to the State Board of Elementary and Secondary Education; to empower the state board to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school which has been determined to be failing; to empower the state board to receive, control, and expend certain funds; to provide that these authorities shall be in the manner provided by and accordance with law; to revise a reference to school boards that implies incorrect jurisdictional boundary limitations; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Returned from the House of Representatives with the following amendments:

## HOUSE FLOOR AMENDMENTS

Conforming Amendments proposed by Representative Crane to Engrossed Senate Bill No. 225 by Senator Theunissen (Duplicate of H.B. No. 629)

AMENDMENT NO. 1

On page 1, line 2, after "Section 3(A)" and before the comma ",", insert "of the Constitution of Louisiana" and after "to the" insert "powers, duties, and responsibilities of the"

AMENDMENT NO. 2

On page 1, line 3, change "empower" to "authorize"

AMENDMENT NO. 3

On page 1, line 6, change "empower" to "authorize"

AMENDMENT NO. 4

On page 1, at the end of line 7 and the beginning of line 8, delete "these authorities" and insert "this additional authority"

AMENDMENT NO. 5

On page 1, line 8, after "shall be" insert "exercised" and after "by and" insert "in"

AMENDMENT NO. 6

On page 1, at the beginning of line 9, after "to" delete the remainder of the line and delete line 10 in its entirety and insert "refer to city, parish, and other local public school boards rather than parish or city school boards; to provide for"

AMENDMENT NO. 7

On page 1, line 11, after "of the" delete the remainder of the line and delete line 12 and insert "proposed amendment to the electors; and to provide for related matters."

AMENDMENT NO. 8

On page 2, line 12, delete "parish or" and after "city" insert a comma ", " and "parish, or other local public"

AMENDMENT NO. 9

On page 2, line 15, insert a comma "," after "management"

AMENDMENT NO. 10

On page 3, line 6, change "empower" to "authorize"

AMENDMENT NO. 11

On page 3, line 9, change "empower" to "authorize"

Senator Theunissen moved to concur in the amendments proposed by the House.

## ROLL CALL

The roll was called with the following result:

## YEAS

Adley	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Tarver
Dean	Johnson	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Uilo
Total—33		

## NAYS

Total—0

## ABSENT

Mr. President	Fields	Lambert
Bean	Jones, B	McPherson
Total—6		

The Chair declared the amendments proposed by the House were concurred in. Senator Theunissen moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

## SENATE BILL NO. 710—

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI, TARVER AND HOLLIS AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRUGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON

## AN ACT

To amend and reenact R.S. 17:3983(A)(4)(a), 3991(C)(6) and (H), and 3996(C), (G), and (H), to enact R.S. 17:10.5, Part VII of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1990, R.S. 17:3973(2)(b)(v), 3983(A)(2)(c) and (F), and 3991(B)(1)(d), and R.S. 36:651(F), and to repeal R.S. 17:3983(A)(5), relative to defining and providing for the management, supervision, and operation of failed public schools; to provide for a definition of a failed school; to provide for the duties and responsibilities of the State Board of Elementary and Secondary Education; to provide for the effect of a school being identified as a failed school; to establish and provide for governance and operation of the Recovery School District; to provide for the jurisdiction of the district; to provide for the authority of the school district; to provide with regard to the funding for the operation of schools by the district; to provide with regard to the persons employed by certain school systems and by the district; to provide with regard to facilities; to establish and provide for a Type 5 charter school; to eliminate the termination of the authority for certain chartering authorities to enter into certain types of charters; to provide for an effective date; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

## HOUSE FLOOR AMENDMENTS

# Page 14 SENATE

April 30, 2003

## 15th DAY'S PROCEEDINGS

Conforming Amendments proposed by Representative Crane to Reengrossed Senate Bill No. 710 by Senator Theunissen (Duplicate of H.B. No. 1660)

### AMENDMENT NO. 1

On page 1, line 13, after "jurisdiction" insert "and authority" and before "district;" insert "school" and after "district;" delete the remainder of the line and on line 14, delete "school district;"

### AMENDMENT NO. 2

On page 2, line 20, after "Education" and before the comma "," insert "under authority of law"

### AMENDMENT NO. 3

On page 2, line 21, delete "under the authority of law is" and insert "shall be designated as"

### AMENDMENT NO. 4

On page 2, at the end of line 22, insert a colon ":" after "entity" and at the beginning of line 23, delete "either:"

### AMENDMENT NO. 5

On page 4, line 12, change "Whenever" to "When"

### AMENDMENT NO. 6

On page 4, at the end of line 16, delete "either:" and insert "take any one of the following actions:"

### AMENDMENT NO. 7

On page 5, at the end of line 2, delete "not" and at the beginning of line 3, delete "less than" and insert "by at least"

### AMENDMENT NO. 8

On page 5, line 3, change "four year" to "four-year"

### AMENDMENT NO. 9

On page 5, line 7, delete "not less than" and insert "at least"

### AMENDMENT NO. 10

On page 5, line 20, delete the comma "," after "Education" and delete the remainder of the line and at the beginning of line 21, delete "District," and at the end of the line, delete "standing education" and delete line 22 in its entirety and insert "House and Senate Committees on Education."

### AMENDMENT NO. 11

On page 6, line 15, delete "in this Section"

### AMENDMENT NO. 12

On page 7, line 1, delete the comma "," after "funding"

### AMENDMENT NO. 13

On page 7, line 18, insert a comma "," after "colleges"

### AMENDMENT NO. 14

On page 7, at the beginning of line 22, insert "(a)" after "(3)"

### AMENDMENT NO. 15

On page 7, line 24, delete the comma "," after "including" and on line 25, delete the comma "," after "limited to"

### AMENDMENT NO. 16

On page 8, between lines 3 and 4, insert the following: "(b) The district may provide by contract with a private provider for support services, including food services if, prior to doing so, the district gives written notification to the city, parish, or other local public school board previously responsible for providing such services that such services shall no longer be provided by the board and setting forth the reasons for this determination."

### AMENDMENT NO. 17

On page 8, line 19, delete "(a)" after "C.(1)"

### AMENDMENT NO. 18

On page 9, delete lines 4 through 6 in their entirety

### AMENDMENT NO. 19

On page 9, line 24, delete the comma "," after "or"

### AMENDMENT NO. 20

On page 10, delete lines 21 through 26 in their entirety

### AMENDMENT NO. 21

On page 11, line 18, insert a comma "," after "parish"

### AMENDMENT NO. 22

On page 11, line 19, after "any" delete "contrary"

### AMENDMENT NO. 23

On page 11, line 20, after "Paragraph" and before the comma "," insert "to the contrary"

### AMENDMENT NO. 24

On page 12, line 1, delete "district" and insert "Recovery District"

### AMENDMENT NO. 25

On page 13, delete lines 4 through 6 in their entirety and at the beginning of line 7, change "H." to "G."

### AMENDMENT NO. 26

On page 13, line 9, change "recreation" to "re-creation"

### AMENDMENT NO. 27

On page 13, at the end of line 10, after "Education" and before the period "." insert "by law"

### AMENDMENT NO. 28

On page 14, line 2, after "local" delete "public"

### AMENDMENT NO. 29

On page 14, line 24, insert a comma "," after "Education"

### AMENDMENT NO. 30

On page 15, line 15, delete "the provisions of" and insert "Subsection"

### AMENDMENT NO. 31

On page 15, at the end of line 16, after "number" and before the period "." insert "of such charters"

### AMENDMENT NO. 32

On page 15, line 18, after "nor" change "may" to "shall"

### AMENDMENT NO. 33

On page 16, at the end of line 20, change "personal:" to "personnel"

### AMENDMENT NO. 34

On page 17, line 1, after "under" change "the" to "this"

### AMENDMENT NO. 35

On page 17, line 4, after "(b)" insert "A"

### AMENDMENT NO. 36

On page 17, line 10, after "operation" delete the remainder of the line and delete line 11 in its entirety and insert the following: "have a teacher certified by the state board teaching every core subject. Core subject shall be defined by the state board by rule."

### AMENDMENT NO. 37

On page 17, line 12, change "type" to "Type"

AMENDMENT NO. 38

On page 18, at the beginning of line 16, insert a comma "," after "charter"

AMENDMENT NO. 39

On page 19, line 11, after "Section 4." delete the remainder of the line and delete lines 12 through 15 in their entirety and insert the following: "This Act shall take effect and become operative if and when the proposed amendment of Article VIII, Section 3(A) of the Constitution of Louisiana contained in the Act which originated as House Bill No. 629 or Senate Bill No. 225 of this 2003 Regular Session of the Legislature is adopted at the gubernatorial primary election to be held in 2003 and becomes effective."

**LEGISLATIVE BUREAU AMENDMENTS**

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 710 by Senator Theunissen

AMENDMENT NO. 1

Delete Conforming House Amendment #30 proposed by Representative Crane and adopted by the House on April 24, 2003

AMENDMENT NO. 2

In Conforming House Amendment #33 proposed by Representative Crane and adopted by the House on April 24, 2003, on page 4, line 7, following "personnel" insert a colon ":"

AMENDMENT NO. 3

In Conforming House Amendment #35 proposed by Representative Crane and adopted by the House on April 24, 2003, on page 4, line 11, following "'A'" insert "and change "schools" to "school""

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Crane to Reengrossed Senate Bill No. 710 by Senator Theunissen, et al. (Duplicate of H.B. No. 1660)

AMENDMENT NO. 1

In the set of Conforming Amendments proposed by Representative Crane to Senate Bill No. 710 and adopted by the House of Representatives on April 24, 2003, delete Amendment Nos. 10, 17, 18, 24, 25, and 33

AMENDMENT NO. 2

On page 5, line 21, after "to the" delete the remainder of the line and delete line 22 and insert "House and Senate Committees on Education."

AMENDMENT NO. 3

On page 13, at the end of line 4, delete "Recovery" and delete lines 5 and 6 and insert "school district shall not violate any federal court order, judgment, or consent decree."

AMENDMENT NO. 4

On page 16, at the end of line 20, change "personal:" to "personnel:"

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Townsend to Reengrossed Senate Bill No. 710 by Senator Theunissen, et al. (Duplicate of H.B. No. 1660)

AMENDMENT NO. 1

In the set of Conforming Amendments proposed by Representative Crane to Senate Bill No. 710 and adopted by the House of Representatives on April 24, 2003, delete Amendment Nos. 14 and 16

AMENDMENT NO. 2

On page 8, at the end of line 3, add the following: "If a dispute arises between the school district and the system providing such services regarding the cost of such services to be reimbursed, the commissioner of administration or his designee shall determine the cost to be reimbursed."

AMENDMENT NO. 3

On page 10, line 16, after "Paragraph" and before "shall" insert "and Paragraph (B)(3) of this Section"

**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Swilling to Reengrossed Senate Bill No. 710 by Senator Theunissen, et al. (Duplicate of H.B. No. 1660)

AMENDMENT NO. 1

In the set of Conforming Amendments proposed by Representative Crane to Senate Bill No. 710 and adopted by the House of Representatives on April 24, 2003, delete Amendment No. 20

AMENDMENT NO. 2

On page 10, delete lines 21 and 22 and insert "(3) Monies appropriated to the school district that are attributable to the transfer of a school"

Senator Theunissen moved to reject the amendments proposed by the House.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Gautreaux	Malone
Barham	Heitmeier	Marionneaux
Boissiere	Hines	Michot
Cain	Holden	Mount
Chaisson	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Johnson	Tarver
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	Thomas
Fontenot	Lentini	Ullo
Total—33		

**NAYS**

Total—0

**ABSENT**

Mr. President	Bean	Lambert
Bajoie	Fields	McPherson
Total—6		

The Chair declared the amendments proposed by the House were rejected. Senator Theunissen moved to reconsider the vote by which the amendments were rejected and laid the motion on the table.

### Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

April 30, 2003

## SENATE BILL NO. 668— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 45:844.12(4), relative to "telephone solicitation"; to provide an exception for telemarketing calls that do not complete a sale during the call; and to provide for related matters.

On motion of Senator Heitmeier, the bill was read by title and returned to the Calendar, subject to call.

## SENATE BILL NO. 698— BY SENATOR ULLO

AN ACT

To enact R.S. 40:2009.20(D), relative to abuse and neglect laws; to require hospitals to display laws which require mandatory reporting instances of abuse and neglect; to provide for such requirement to be permanently displayed in emergency rooms; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, CD	Ullo
Ellington	Lentini	
Fontenot	Malone	
Total—34		

### NAYS

Total—0

### ABSENT

Mr. President	Fields	McPherson
Bean	Lambert	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## SENATE BILL NO. 721— BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 22:1401(J)(2), (3), and (4) and to enact R.S. 22:1401(J)(6), relative to property and casualty insurance rates; to provide for the Louisiana Insurance Rating Commission; to provide for flexible rating; to provide for file and use; to provide for limitations; to provide for procedures; to provide for reports; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Mr. President	Fontenot	Michot
Adley	Gautreaux	Mount
Bajoie	Hines	Romero
Barham	Holden	Schedler
Boissiere	Hollis	Smith
Chaisson	Hoyt	Tarver
Cravins	Irons	Theunissen
Dardenne	Johnson	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, CD	
Ellington	Malone	
Total—31		

### NAYS

Cain	Heitmeier	Lentini
Total—3		

### ABSENT

Bean	Lambert	McPherson
Fields	Marionneaux	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## SENATE BILL NO. 727— BY SENATOR MCPHERSON

AN ACT

To enact R.S. 24:653(K) and Part VIII-B of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:310, relative to legislative review; to require private entities to provide to the legislature information relative to the expenditure of revenue generated from the operation, management or control of public lands or facilities; to require the division of administration to develop a reporting form; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

## SENATE BILL NO. 756— BY SENATOR HOYT

AN ACT

To amend and reenact R.S. 14:43(A) and the introductory paragraph of R.S. 14:43.1(A), relative to rape and sexual battery; to provide relative to the crime of simple rape; to provide relative to the crime of sexual battery; to provide relative to the spouse of the offender; to repeal the exception that such relationship precludes the occurrence of such crimes; and to provide for related matters.

The bill was read by title. Senator Hoyt moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

### YEAS

Adley	Heitmeier	Marionneaux
Bajoie	Hines	Michot
Barham	Holden	Mount



Boissiere	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Fontenot	Malone	
Total—32		

NAYS

Total—0

ABSENT

Mr. President	Fields	McPherson
Bean	Gautreaux	
Cain	Lambert	
Total—7		

The Chair declared the bill was passed. The title was read and adopted. Senator Hoyt moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 786—**

BY SENATORS MICHOT, CRAVINS, AND HOYT AND REPRESENTATIVES PINAC, ALEXANDER, BAUDOIN, BROOME, BRUCE, DANIEL, DURAND, FLAVIN, PIERRE, AND WALSWORTH  
AN ACT

To enact Chapter 8-I of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.21 through 844.25, relative to an information and referral system; to provide for the authority of the Public Service Commission, to create a planning board to make recommendations to the commission, to provide for the requirements of the system and procedure for its planning, implementation, operation, and associated costs; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 796—**

BY SENATORS CRAVINS AND C. JONES  
AN ACT

To enact R.S. 15:906.1, relative to juvenile institutions; to create a Louisiana Juvenile Risk Review Panel; to provide for membership of the panel; to provide for the powers and duties of the panel; to provide for the adoption of rules; and to provide for related matters.

On motion of Senator Cravins, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 843—**

BY SENATOR MCPHERSON  
AN ACT

To amend and reenact R.S. 45:844.14(A)(1), relative to the Telephone Solicitation Relief Act of 2001; provides relative to listing procedures; repeals the five dollar initial listing and renewal charge; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson

Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Johnson	Tarver
Dean	Jones, CD	Theunissen
Dupre	Lentini	Thomas
Ellington	Malone	Ullo
Total—33		

NAYS

Total—0

ABSENT

Mr. President	Fields	Jones, B
Bean	Irons	Lambert
Total—6		

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Theunissen in the Chair****SENATE BILL NO. 853—**

BY SENATOR ELLINGTON  
AN ACT

To enact Chapter 34 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5400 through 5414, relative to particular classes of actions and cases; to provide for an inactive docket registry; to provide for medical criteria for certain civil claims; to provide for civil claims involving exposure to asbestos; to provide for definitions; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 866—**

BY SENATOR SCHEDLER  
AN ACT

To amend and reenact R.S. 37:3003(B)(1), relative to the State Board of Medical Examiners and occupational therapists; to provide for direct access to the services of occupational therapists; to eliminate the necessity for a referral to occupational therapy services; to increase the categories of medical professionals who can refer to occupational therapists; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Fontenot	McPherson
Bajoie	Gautreaux	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Smith
Chaisson	Hoyt	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, CD	Thomas
Dean	Lentini	Ullo
Dupre	Malone	
Ellington	Marionneaux	

Total—31

NAYS

Total—0

ABSENT

Mr. President  
Bean  
Fields

Heitmeier  
Irons  
Jones, B

Lambert  
Schedler

Total—8

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 895—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:924(A), relative to economic development; to provide for membership of the State Board of Commerce and Industry; to provide for terms of office; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—33

Fontenot  
Gautreaux  
Heitmeier  
Hines  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, CD  
Lentini

Malone  
Marionneaux  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Mr. President  
Bean  
Total—6

Fields  
Jones, B

Lambert  
McPherson

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 901—

BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 40:1300.26 and 1300.46, relative to health; to authorize adoption of ordinances regulating smoking in the workplace and public places; and to provide for related matters.

### Floor Amendments Sent Up

Senator Hoyt sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hoyt to Engrossed Senate Bill No. 901 by Senator Johnson

#### AMENDMENT NO. 1

On page 1, line 2, after "1300.46" and before "relative" insert "and to enact R.S. 40:1300.46.1,"

#### AMENDMENT NO. 2

On page 1, line 4, after "public places;" insert "to provide for penalties;"

#### AMENDMENT NO. 3

On page 1, line 6, after "1300.46" insert "and to enact R.S. 40:1300.46.1"

#### AMENDMENT NO. 4

On page 2, after line 13, insert the following:

"§1300.46.1. Violation of local ordinance; penalty

#### **R.S. 40:1300.46.1 is all proposed new law.**

A. A municipal or parish governing authority shall adopt provisions for the violation of an ordinance, rule, or regulation, adopted pursuant to the authority granted by R.S. 40:1300.26 and 1300.46.

B. Any violation of a municipal or parish ordinance, rule, or regulation adopted consistent with the provisions of this Section shall be punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars."

Senator Hoyt moved adoption of the amendments.

Senator Chaisson objected.

### ROLL CALL

The roll was called with the following result:

YEAS

Adley  
Bajoie  
Boissiere  
Cain  
Cravins  
Dardenne  
Total—16

Dupre  
Heitmeier  
Hines  
Hollis  
Hoyt  
Irons

Jones, CD  
Lentini  
Michot  
Romero

NAYS

Barham  
Chaisson  
Dean  
Ellington  
Fontenot  
Gautreaux  
Total—18

Holden  
Johnson  
Jones, B  
Malone  
McPherson  
Mount

Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

ABSENT

Mr. President  
Bean  
Total—5

Fields  
Lambert

Marionneaux

The Chair declared the amendments were rejected.

### Floor Amendments Sent Up

Senator Hoyt sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hoyt to Engrossed Senate Bill No. 901 by Senator Johnson

**AMENDMENT NO. 1**

On page 1, line 2, after "1300.46" and before "relative" insert "and to enact R.S. 40:1300.46.1,"

**AMENDMENT NO. 2**

On page 1, line 4, after "public places;" insert "to provide for penalties;"

**AMENDMENT NO. 3**

On page 1, line 6, after "1300.46" insert "and to enact R.S. 40:1300.46.1"

**AMENDMENT NO. 4**

On page 2, after line 13, insert the following:

"§1300.46.1. Violation of local ordinance; penalty

**R.S. 40:1300.46.1 is all proposed new law.**

A. A municipal or parish governing authority shall adopt provisions for the violation of an ordinance, rule, or regulation, adopted pursuant to the authority granted by R.S. 40:1300.26 and 1300.46.

B. Any violation of a municipal or parish ordinance, rule, or regulation adopted consistent with the provisions of this Section shall be punishable by a fine of not less than twenty-five dollars nor more than one thousand dollars."

Senator Hoyt moved adoption of the amendments.

Senator Chaisson objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Heitmeier	Marionneaux
Cravins	Hines	McPherson
Dupre	Hollis	Mount
Ellington	Hoyt	Smith
Fontenot	Jones, CD	Tarver
Gautreaux	Lentini	
Total—17		

**NAYS**

Bajoie	Dean	Michot
Barham	Holden	Romero
Boissiere	Irons	Schedler
Cain	Johnson	Theunissen
Chaisson	Jones, B	Thomas
Dardenne	Malone	Ullo
Total—18		

**ABSENT**

Mr. President	Fields
Bean	Lambert
Total—4	

The Chair declared the amendments were rejected.

**Mr. President in the Chair**

**Motion**

Senator Dardenne moved the previous question on the entire subject matter.

Senator Hoyt objected.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Bajoie	Fontenot	Michot
Barham	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Smith
Chaisson	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, CD	
Ellington	Malone	
Total—25		

**NAYS**

Mr. President	Heitmeier	McPherson
Adley	Hoyt	Schedler
Cravins	Lentini	Ullo
Gautreaux	Marionneaux	
Total—11		

**ABSENT**

Bean	Fields	Lambert
Total—3		

The Chair declared the previous question was called on the entire subject matter.

The bill was read by title. Senator Johnson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Heitmeier	Michot
Adley	Hines	Mount
Bajoie	Holden	Romero
Barham	Hollis	Schedler
Boissiere	Irons	Smith
Chaisson	Johnson	Tarver
Cravins	Jones, B	Theunissen
Dardenne	Jones, CD	Thomas
Dean	Lentini	Ullo
Dupre	Malone	
Ellington	McPherson	
Total—31		

**NAYS**

Cain	Gautreaux	Marionneaux
Fontenot	Hoyt	
Total—5		

**ABSENT**

Bean	Fields	Lambert
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Johnson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

April 30, 2003

## SENATE BILL NO. 966— BY SENATOR SCHEDLER

### AN ACT

To amend and reenact R.S. 46:2601(A)(3), 2602(A) and (B)(7), (D), and (E), 2603(A), 2604(B)(4), 2605(B)(7), (10), (20), (26), (37), and (38), (C) and (E), and 2607, and to enact R.S. 46:2602(B)(12) and 2604(E), relative to the Children's Cabinet; to provide for its duties; to provide for the membership of the cabinet; to revise membership on the advisory board; to extend the termination date of the cabinet; and to provide for related matters.

### Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 966 by Senator Schedler

### AMENDMENT NO. 1

On page 4, line 9, before "framework" delete "a"

On motion of Senator Adley, the amendments were adopted.

The bill was read by title. Senator Schedler moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Gautreaux	McPherson
Adley	Heitmeier	Michot
Bajoie	Hines	Mount
Barham	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, CD	Thomas
Dupre	Lentini	Ullo
Ellington	Malone	
Fontenot	Marionneaux	
Total—34		

#### NAYS

Total—0

#### ABSENT

Bean	Fields	Lambert
Boissiere	Holden	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## SENATE BILL NO. 974— BY SENATOR SCHEDLER

### AN ACT

To enact R.S. 46:153.5, relative to Mental Health Rehabilitation Program providers; to provide for mandatory accreditation of providers of mental health rehabilitation services by an accreditation body; to provide authorization for rulemaking; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Gautreaux	Marionneaux
Adley	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Fontenot	Malone	
Total—35		

#### NAYS

Total—0

#### ABSENT

Bajoie	Fields
Bean	Lambert
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## SENATE BILL NO. 1029—

BY SENATORS HOLLIS AND B. JONES  
AN ACT

To amend and reenact R.S. 51:2452(A), 2453(1)(b)(i), and 2453(4), relative to the quality jobs program; to provide that out-of-state employees relocating to Louisiana qualify as "new direct jobs" under the "Louisiana Quality Jobs Program Act"; to provide for technical and grammatical changes and for an effective date; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Total—36		

#### NAYS

Total—0

ABSENT

Bean

Fields

Lambert

Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 7—**

BY SENATOR THEUNISSEN AND REPRESENTATIVES JOHN SMITH AND MCDONALD

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(a)(iii), relative to the Tuition Opportunity Program for Students; to provide for the time period in which a nonresident on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders must change his military records to establish Louisiana as his official state of legal residence in order for a dependent child to be eligible for an award; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bean

Fields

Lambert

Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 28—**

BY SENATOR DUPRE AND REPRESENTATIVE PITRE

AN ACT

To enact R.S. 47:463.111, relative to motor vehicles; to provide relative to the issuance of license plates; to create the "America's WETLAND" prestige license plate to promote Louisiana's coastal wetlands and coastal wetland restoration; to provide relative to the fee for such plates; to provide for the design of such plates; to authorize the promulgation of rules and regulations; and to provide for related matters.

On motion of Senator Dupre, the bill, which is a duplicate of House Bill No. 932 was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 41—**

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 48:217(A), relative to roads and highways; to provide for the acquisition of rights-of-way on certain highway projects; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Total—36		

NAYS

Total—0

ABSENT

Bean

Fields

Lambert

Total—3

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 44—**

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 48:252(A)(2) and (B)(1), relative to roads and highways; provides for alternate bids on selected highway project contracts; requires quarterly reports on the bids; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Adley	Gautreaux	Marionneaux
Bajoie	Heitmeier	McPherson
Barham	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith

Dardenne  
Dean  
Dupre  
Ellington  
Total—36

Johnson  
Jones, B  
Jones, CD  
Lentini

Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bean  
Total—3

Fields

Lambert

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 46—**  
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 17:3048.1(W), relative to the Tuition Opportunity Program for Students; to provide for the use of awards at eligible Louisiana colleges and universities by students who are otherwise qualified for a program award and who enroll as first-time freshmen in an out-of-state college or university; to provide conditions and limitations; to provide for effectiveness; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—35

Fontenot  
Gautreaux  
Heitmeier  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bean  
Fields  
Total—4

Hines  
Lambert

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 82—**

BY SENATORS THEUNISSEN AND HOYT  
AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(vi), and (B)(2)(b)(vi) and (c)(vi), relative to the Tuition Opportunity Program for Students; to include certain agriscience courses as a science option in the core curriculum; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President  
Adley  
Bajoie  
Barham  
Boissiere  
Cain  
Chaisson  
Cravins  
Dardenne  
Dean  
Dupre  
Ellington  
Total—35

Fontenot  
Gautreaux  
Heitmeier  
Holden  
Hollis  
Hoyt  
Irons  
Johnson  
Jones, B  
Jones, CD  
Lentini  
Malone

Marionneaux  
McPherson  
Michot  
Mount  
Romero  
Schedler  
Smith  
Tarver  
Theunissen  
Thomas  
Ullo

NAYS

Total—0

ABSENT

Bean  
Fields  
Total—4

Hines  
Lambert

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Personal Privilege**

Senator Hines asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 82. He had intended to vote yea on the bill. He asked that the Official Journal so state.

**SENATE BILL NO. 123—**

BY SENATORS DUPRE, CHAISSON, GAUTREAUX AND ROMERO AND REPRESENTATIVES BALDONE, DOWNER AND PITRE  
AN ACT

To amend and reenact R.S. 47:463(A)(3), relative to license plates; to provide that the official Louisiana license plate shall be the "America's WETLAND" license plate; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 141—**

BY SENATOR DUPRE

AN ACT

To enact R.S. 32:408(B)(4)(c), relative to school bus drivers; to provide for a restriction to commercial driver's licenses for operation only of a school bus; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

## YEAS

Bajoie	Dupre	Jones, CD
Boissiere	Heitmeier	McPherson
Cain	Hines	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Thomas
Total—15		

## NAYS

Mr. President	Hollis	Mount
Adley	Hoyt	Romero
Barham	Jones, B	Tarver
Dardenne	Lentini	Theunissen
Dean	Malone	Ullo
Ellington	Marionneaux	
Gautreaux	Michot	
Total—19		

## ABSENT

Bean	Fontenot	Lambert
Fields	Holden	
Total—5		

The Chair declared the bill failed to pass.

## Notice of Reconsideration

Senator Dupre, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

## SENATE BILL NO. 166—

BY SENATOR FIELDS

## AN ACT

To amend and reenact R.S. 17:3911(B)(1)(k) and to enact R.S. 17:3911(B)(1)(l), (m), (n), and (o), relative to school accountability; to provide for the release of certain school or district level data; and to provide for related matters.

The bill was read by title. Senator Fields moved the final passage of the bill.

## ROLL CALL

The roll was called with the following result:

## YEAS

Bajoie	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Hollis	Mount
Chaisson	Hoyt	Romero
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Fields	Lentini	Ullo
Fontenot	Malone	
Gautreaux	Marionneaux	
Total—31		

## NAYS

Total—0

## ABSENT

Mr. President	Bean	Lambert
Adley	Ellington	Schedler
Barham	Holden	
Total—8		

The Chair declared the bill was passed. The title was read and adopted. Senator Fields moved to reconsider the vote by which the bill was passed and laid the motion on the table.

## Personal Privilege

Senator Adley asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 166 due to a machine malfunction. He had intended to vote yea on the bill. He asked that the Official Journal so state.

## Personal Privilege

Senator Barham asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 166 due to a machine malfunction. He had intended to vote yea on the bill. He asked that the Official Journal so state.

## SENATE BILL NO. 208—

BY SENATOR MARIONNEAUX

## AN ACT

To amend and reenact the introductory paragraph of R.S. 32:387.7, R.S. 32:387.7(3), the introductory paragraph of R.S. 32:387.9, R.S. 32:387.9(3) and (5), and to enact R.S. 32:387.7(5) and 387.9(6), relative to special permits; to provide for the issuance of special sugarcane and agronomic or horticultural permits to operators of vehicles; to provide for the specificity of such permits; and to provide for related matters.

## Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

## SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Engrossed Senate Bill No. 208 by Senator Marionneaux

## AMENDMENT NO. 1

On page 2, line 3, after "sugarcane.", insert "**These permits may be issued to either the pulling unit or the trailer contained in the combination which must have a minimum of eighteen wheels.**"

## AMENDMENT NO. 2

On page 2, at the end of line 6, insert the word "**combination**"

## AMENDMENT NO. 3

On page 2, line 18, after "state." insert "**These permits may be issued to either the pulling unit or the trailer contained in the combination which must have a minimum of eighteen wheels.**"

## AMENDMENT NO. 4

On page 2, at the end of line 21, insert the word "**combination**"

On motion of Senator Marionneaux, the amendments were adopted.

The bill was read by title. Senator Marionneaux moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Michot
Adley	Heitmeier	Mount
Bajoie	Hines	Romero
Barham	Hollis	Schedler
Boissiere	Hoyt	Smith
Cain	Irons	Tarver
Chaisson	Jones, CD	Theunissen
Dardenne	Lentini	Thomas
Dean	Malone	Ullo
Dupre	Marionneaux	
Ellington	McPherson	
Total—31		

#### NAYS

Total—0

#### ABSENT

Bean	Gautreaux	Jones, B
Cravins	Holden	Lambert
Fields	Johnson	
Total—8		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 280—

BY SENATOR BEAN

#### AN ACT

To amend R.S. 34:3160(D), relative to ports; to increase the maximum term of certain contracts, leases, and other agreements which may be entered into by the Caddo-Bossier Parishes Port Commission; and to provide for related matters.

### Floor Amendments Sent Up

Senator Adley sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 280 by Senator Bean

#### AMENDMENT NO. 1

On page 1, line 2, following "amend" and before "R.S." insert "and reenact"

On motion of Senator Adley, the amendments were adopted.

The bill was read by title. Senator Heitmeier moved final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux	McPherson
Bajoie	Heitmeier	Michot
Barham	Hines	Mount

Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, CD	Thomas
Ellington	Lentini	Ullo
Fields	Malone	
Total—35		

#### NAYS

Total—0

#### ABSENT

Bean	Holden
Dupre	Lambert
Total—4	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 339—

BY SENATOR IRONS

#### AN ACT

To enact R.S. 47:463.111, relative to motor vehicle license plates; to provide for a special prestige license plate for Invest in Children; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, CD	Thomas
Ellington	Lentini	Ullo
Total—36		

#### NAYS

Total—0

#### ABSENT

Bean	Holden	Lambert
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 353—

BY SENATOR MCPHERSON

#### AN ACT

To enact R.S. 32:408(B)(6), relative to driver's licenses; to provide for the office of motor vehicles to issue a temporary driver's



permit under certain conditions; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Bajoie	Ellington	Johnson
Chaisson	Fields	Jones, CD
Cravins	Gautreaux	Marionneaux
Dean	Heitmeier	McPherson
Dupre	Hines	
Total—14		

#### NAYS

Mr. President	Hollis	Romero
Adley	Hoyt	Schedler
Barham	Jones, B	Smith
Boissiere	Lentini	Tarver
Cain	Malone	Thomas
Dardenne	Michot	Ullo
Fontenot	Mount	
Total—20		

#### ABSENT

Bean	Irons	Theunissen
Holden	Lambert	
Total—5		

The Chair declared the bill failed to pass.

### Notice of Reconsideration

Senator McPherson, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

### Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

### Messages from the House

The following Messages from the House were received and read as follows:

#### Message from the House

#### ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 30, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

#### HOUSE BILL NO. 10—

BY REPRESENTATIVES NEVERS AND BRUCE  
AN ACT

To amend and reenact R.S. 14:93.3(E), relative to cruelty to the infirmed; to provide for increased penalties for second or subsequent convictions; and to provide for related matters.

#### HOUSE BILL NO. 17—

BY REPRESENTATIVES NEVERS AND BRUCE  
AN ACT

To amend and reenact R.S. 14:93(D), relative to the crime of cruelty to juveniles; to increase the penalty provisions; and to provide for related matters.

#### HOUSE BILL NO. 320—

BY REPRESENTATIVES DOWNER, FUTRELL, GARY SMITH, GALLOT, HUNTER, MONTGOMERY, MURRAY, SNEED, WADDELL, AND WALSWORTH

AN ACT

To amend and reenact R.S. 44:132, to enact R.S. 44:20, and to repeal R.S. 29:284, relative to the recordation of discharge records from the armed forces; to provide for exemption of military discharge records from the public records law; to provide for release of confidential military discharge records to the veteran and to the executor of his estate or any family member of the veteran if the veteran is deceased; and to provide for related matters.

#### HOUSE BILL NO. 471—

BY REPRESENTATIVE SHAW

AN ACT

To amend and reenact R.S. 37:1358(B), relative to acupuncturists; to revise certain employment and supervision requirements for acupuncturist's assistants; and to provide for related matters.

#### HOUSE BILL NO. 553—

BY REPRESENTATIVES DANIEL, JACK SMITH, AND PIERRE

AN ACT

To amend and reenact R.S. 56:319(A) and (D), relative to exotic fish; to require a permit for the possession of certain exotic fish; and to provide for related matters.

#### HOUSE BILL NO. 309—

BY REPRESENTATIVE HUDSON

AN ACT

To enact R.S. 37:3361(5), relative to respiratory therapists; to exempt polysomnographic technologists, technicians, and trainees from respiratory therapist licensure requirements; and to provide for related matters.

#### HOUSE BILL NO. 554—

BY REPRESENTATIVES DEVILLIER AND PIERRE

AN ACT

To amend and reenact R.S. 56:8(84), 305(G), 323(A), and 491(1) and to enact R.S. 56:305(B)(17) and 501, relative to commercial shrimping; to authorize commercial taking of freshwater shrimp in certain waters; to provide relative to nets and other conditions on such taking; to provide for a gear license and the fee therefor; to provide penalties for violations; and to provide for related matters.

#### HOUSE BILL NO. 555—

BY REPRESENTATIVES KENNEY AND PIERRE

AN ACT

To amend and reenact R.S. 56:327(A)(1)(b)(i), relative to the sale of bass fingerlings; to authorize the sale of longer fingerlings of certain bass species; and to provide for related matters.

**HOUSE BILL NO. 557—**

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 56:312, relative to freshwater finfish caught by recreational and commercial fishermen; to require that certain features of such fish remain intact while the fish is on the vessel; to provide penalties for violations; and to provide for related matters.

**HOUSE BILL NO. 736—**

BY REPRESENTATIVE BALDONE

AN ACT

To amend and reenact R.S. 14:100(C)(1), relative to offenses affecting the public safety; to change the criminal penalties for the crime of hit-and-run driving when there is evidence of alcohol or drug use prior to the traffic accident; and to provide for related matters.

**HOUSE BILL NO. 697—**

BY REPRESENTATIVE MONTGOMERY AND SENATOR HEITMEIER

AN ACT

To enact R.S. 27:3(15.1), relative to the Gaming Control Law; to provide for a definition of a "Louisiana business", "Louisiana firm", and "Louisiana corporation"; to provide exceptions; to provide with respect to the number of employees who must be Louisiana residents if the business, company, or corporation is located outside of Louisiana; and to provide for related matters.

**HOUSE BILL NO. 812—**

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 56:410.7 and the introductory paragraph of Section 5 of Act No. 191 of the 1926 Regular Session of the Legislature, as enacted by Act No. 120 of the 1946 Regular Session of the Legislature, and amended by Act No. 307 of the 1948 Regular Session of the Legislature, and Act No. 17 of the 1956 First Extraordinary Session of the Legislature, and Act No. 66 of the 1988 Regular Session of the Legislature, and Act No. 539 of the 1990 Regular Session of the Legislature, and Act No. 550 of the 1995 Regular Session of the Legislature, relative to the Northwest Louisiana Game and Fish Preserve Commission; to provide relative to certain powers to regulate the taking of game and fish; to provide relative to permitted and prohibited fishing gear on Black Lake, Clear Lake, and Prairie Lake; to provide relative to possession of a recreational use license on said lakes; to provide penalties; and to provide for related matters.

**HOUSE BILL NO. 869—**

BY REPRESENTATIVES MORRELL, HEATON, MARTINY, AND WOOTON

AN ACT

To enact Code of Criminal Procedure Article 814(A)(50.1), relative to responsive verdicts; to provide for responsive verdicts for possession of cocaine; and to provide for related matters.

**HOUSE BILL NO. 900—**

BY REPRESENTATIVES GARY SMITH AND PIERRE

AN ACT

To amend and reenact R.S. 56:8(116) and 322(E)(4) and to enact R.S. 56:305(B)(4)(f) and 322.1, relative to commercial fishing; to provide for the commercial harvest of shad and skipjack herring with a shad gill net in certain waters; to provide for restrictions and penalties; and to provide for related matters.

**HOUSE BILL NO. 948—**

BY REPRESENTATIVES THOMPSON, BAUDOIN, BRUCE, CAZAYOUX, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH, AND STRAIN

AN ACT

To amend and reenact R.S. 14:212(A), relative to false statements concerning transactions involving forestry products; to prohibit

making false statements with regard to ownership interests in, the tract name of, or the property description of, land on which forest products are harvested; and to provide for related matters.

**HOUSE BILL NO. 951—**

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 46:449(A)(1), relative to the family responsibility program; to designate the Department of Health and Hospitals to administer the program; and to provide for related matters.

**HOUSE BILL NO. 959—**

BY REPRESENTATIVES THOMPSON AND DOWNS

AN ACT

To amend and reenact R.S. 40:1842(12), 1846(B)(3)(f), (5)(introductory paragraph), (a), (b), and (c), and (6), (C), (E), and (G)(2) and (3), and 1846.1(C)(2)(b) and to enact R.S. 40:1847.1(D), relative to liquefied petroleum gas; to require verification of odorization under certain circumstances; to provide relative to the sale of such gas for use as a refrigerant in automobile air conditioning units; to exempt certain dealers in small quantities of liquefied petroleum gas from permitting requirements; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**

**COMMERCE, CONSUMER PROTECTION AND INTERNATIONAL AFFAIRS**

Senator Hollis, Chairman on behalf of the Committee on Commerce, Consumer Protection and International Affairs, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Commerce, Consumer Protection and International Affairs to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 61—**

BY SENATOR JOHNSON

A CONCURRENT RESOLUTION

To continue the Louisiana Small Business Task Force created by Senate Concurrent Resolution No. 27 of the First Extraordinary Session of 2002.

Reported favorably.

**SENATE BILL NO. 22—**

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 9:3518.2(B)(1) and the introductory paragraph of R.S. 9:3518.2(C); relative to credit cards; to prohibit unsolicited mailing or delivery of credit card applications; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 331—**  
BY SENATOR BAJOEIE

AN ACT

To amend and reenact R.S. 37:1861(A)(1), 1864, 1871(1), 1874(A) and (B)(13)(a) and (c), 1877, 1879, and 1880, and to enact R.S. 37:1861(A)(3) and (4), 1871(3) and (4), 1874(B)(13)(f), relative to secondhand dealers; to provide for the definition of the term "used building component"; to require reporting of transactions involving "used building components"; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 809—**  
BY SENATOR JOHNSON

AN ACT

To enact R.S. 51:2303(11), relative to economic development; to define the term "Louisiana Entrepreneurial Business"; to provide for qualifications; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 841—**  
BY SENATOR GAUTREAUX

AN ACT

To amend and reenact R.S. 40:1651(B), 1652(6) and (7), 1653(B), (C)(1), and (D), 1655(B), 1656(A)(10), 1657(A), (B), (C), (F), 1658(1)(a), (d), and (e), (2), (3), (4) and (7), 1659(2), (3), (6), 1660, 1660.1, and 1661, to enact R.S. 40:1652(8), and to repeal R.S. 40:1657(I) and 1660.2, relative to fire protection system; to make various technical changes; to provide for licensure and certification of certain persons; to provide for notice, hearing, and revocation of a certificate or license; to provide administrative penalties; to provide for additional penalties; to provide for the use of certain funds; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 896—**  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 36:107(A), 109(J), and 913(B), R.S. 43:111(A)(7), R.S. 47:1125(C) and 6007(B)(5), (D)(1) and (3), and (E), and R.S. 51:938.1(A), (H)(introductory paragraph) and (I), (J)(introductory paragraph), (1), (2), (3)(introductory paragraph), (c), and (d), (6), (7), and (8), and (K) and to repeal R.S. 36:108(B)(20) and R.S. 51:938.1(B) through (G), relative to economic development; to provide relative to the Department of Economic Development; to provide for assistant secretaries and duties of offices; to provide for the transfer of certain entities; to provide for advertising; to provide relative to tax relief for motion picture production companies; to provide relative to tax credits for investments in certain productions; to create the governor's office of film and television development; to provide for the office's duties, staff, and authority; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 897—**  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:2311(A)(1) and (2)(a) and (b), (B), (D), and (E) and to repeal R.S. 51:2311(A)(2)(j), relative to economic development; to provide relative to the Louisiana Economic Development Corporation board of directors; to provide for the secretary of the Department of Economic Development; to provide for board appointees; to provide for a quorum of the board; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 898—**  
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 47:318(B)(2), relative to the Department of Economic Development; to provide relative to the disposition of certain collections; to provide relative to the Marketing Fund; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 967—**  
BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 51:943, relative to the Small and Emerging Business Development Advisory Council; to change the name to the Small Business Entrepreneurship Council; to provide for additional members of the council; to provide for revised and additional functions of the council; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
KEN HOLLIS  
Chairman

**REPORT OF COMMITTEE ON****SENATE AND GOVERNMENTAL AFFAIRS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

**SENATE BILL NO. 6—**  
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 18:463(A)(2), relative to notice of candidacy forms; to provide that the candidacy form include information concerning the disposition of a felony conviction; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 11—**

BY SENATOR DUPRE AND REPRESENTATIVES DOWNER AND BALDONE

AN ACT

To amend and reenact R.S. 18:1317, relative to voting; to provide that the vote of an individual who votes absentee and subsequently dies prior to the opening of the polls on the day of the election shall be valid; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 839—**  
BY SENATOR JOHNSON

AN ACT

To enact R.S. 49:153.3, relative to the displaying of flags; to recognize the flag of the former Republic of Vietnam as the official flag to be displayed in the state; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 926—**  
BY SENATOR ADLEY

AN ACT

To enact R.S. 42:7.3, relative to meetings of public bodies; to provide a procedure for the presentation and consideration of an offer to sell a commodity to, or to assume the operation or acquire the ownership of, a utility owned or operated by a public body; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 1010—**  
BY SENATOR CHAISSON

AN ACT

To repeal R.S. 17:60.1(K) and 63, relative to restrictions on certain city, parish, or other local school board members; to repeal all prohibitions on members of any city, parish, or other local school board from qualifying or running for another public office without their school board seat being vacated; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 1032—**  
BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 42:1123(32), relative to ethics; to provide for exceptions for members of public bodies to engage in certain transactions with such public body; to permit public officials of certain governing authorities and their immediate families and legal entities to make application for the subdivision, resubdivision or zoning of property; to provide for exceptions to be based on population; to require written notice to the Board of Ethics and recusal from voting; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 942—**  
BY REPRESENTATIVES DOWNER, CAPELLA, R. CARTER, FAUCHEUX,  
AND WELCH

AN ACT

To amend and reenact R.S. 14:329.6(E), R.S. 29:1, 5(A), (B), (C), (D), and (H), 6, 7, 721, 722(A)(introductory paragraph), (1), (3), and (4) and (B), 723(1), 724(C) and (F), 725, 726(A) and (B)(introductory paragraph), (10), (11), and (12), (C), (D), (E)(6) and (9), and (F), 727(A), (B), (C), and (H), 728(A), (C), (D), and (F), 729(A), (B)(introductory paragraph), (6), (10), and (11), (C), (D), and (E)(6), 730(A) and (B), 730.1, 731, 733.1, 735(A), 737(C), (D), and (E), and 751(introductory paragraph) and the second and third undesignated paragraphs of Article I, the first and third undesignated paragraphs of Article II, Article III(A)(1) and (2), (B)(1), and (C), and Articles IV and X, R.S. 30:2458(A)(9), R.S. 45:841(2) and (5), 842, 843(A)(1) and (2), and 844, and R.S. 49:853(4), to enact R.S. 14:329.6(G), R.S. 29:723(3.1) and (6) and R.S. 29:726(B)(14) and (15), to repeal the existing R.S. 29:7.1, and to redesignate R.S. 29:7.2 as R.S. 29:7.1, relative to military affairs; to provide for the office of homeland security and emergency preparedness; to provide for the redesignation of the office of emergency preparedness as the office of homeland security and emergency preparedness within the Military Department, and to redesignate references in accordance therewith; to redesignate Chapter 6 of Title 29 of the Louisiana Revised Statutes as the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" and to include references to homeland security; to provide for the authority and responsibilities of the office; to provide for definitions; to delete certain mandatory reimbursements between political subdivisions during certain emergencies; to provide for the composition of the Military Department; to provide for the activation of the militia during public emergencies; to provide

for authority of national guardsmen and military police during certain emergencies, including homeland security purposes; to redesignate parish, local, and interjurisdictional emergency preparedness agencies as homeland security and emergency preparedness agencies; to redesignate references to emergency preparedness agencies within provisions applicable to emergency alert services; to include acts of terrorism as emergencies, disasters for purposes of homeland security and emergency preparedness and the operation of government during interim emergencies; to revise the Southern Regional Emergency Management and Assistance Compact to include provisions for homeland security and emergency preparedness; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
CHRIS ULLO  
Chairman

**REPORT OF COMMITTEE ON  
HEALTH AND WELFARE**

Senator Schedler, Chairman on behalf of the Committee on Health and Welfare, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Health and Welfare to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 45—**  
BY SENATOR LAMBERT

A CONCURRENT RESOLUTION

To urge and request that Louisiana State University Health Sciences Center and Tulane University Medical Center cooperate with Aneurysm Outreach, Inc., by assisting in the provision of portable ultrasound technology and necessary staff to develop a system to provide aneurysm screening statewide.

Reported favorably.

**SENATE CONCURRENT RESOLUTION NO. 49—**  
BY SENATOR HINES

A CONCURRENT RESOLUTION

To establish the Louisiana Diabetes Advisory Council as the entity that will provide statewide leadership to prevent diabetes, strive to continuously improve the lives of all Louisianians affected by diabetes mellitus, and reduce the burden of the disease.

Reported with amendments.

**SENATE BILL NO. 311—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 37:2510(A), (B), and (C), relative to disciplinary procedures for nursing facility administrators; to provide for disciplinary criteria; to establish that the board has the authority to initiate an investigation; to provide for disciplinary hearings; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 382—**  
BY SENATOR SCHEDLER

AN ACT

To enact Chapter 8-A of Title 46 of Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:978 and 979, relative to health care for the low-income uninsured; to provide for expanding coverage to certain low-income uninsured through Medicaid program waivers; and to provide for related matters.

Reported favorably.

**SENATE BILL NO. 430—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 37:1744, relative to disclosure of financial interest by referring health care providers; to provide for penalties for referring patients to facilities without disclosure of the provider's financial interest; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 679—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 28:382, relative to regionalization of human services delivery; to provide a statewide framework to govern the delivery of mental health, developmental disabilities, and addictive disorders services funded by appropriations from the state; and to provide for related matters.

Reported by substitute.

**SENATE BILL NO. 799—**  
BY SENATOR BAJOE

AN ACT

To enact R.S. 46:2116.2(C)(4), relative to the Personal Care Assistance Services Program; to provide for choice of vendor; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 930—**  
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:1058.3(C), relative to the licensing of substance abuse/addiction treatment facilities and moratorium on licensure, and R.S. 40:1058.6(B)(1) and (2), relative to license revocation and review; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
TOM SCHEDLER  
Chairman

**Message from the House**

**SIGNED HOUSE BILLS AND  
JOINT RESOLUTIONS**

April 30, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 1010—**  
BY REPRESENTATIVE HAMMETT  
AN ACT

To amend and reenact R.S. 47:633(9)(d)(i), (ii), and (iii), to change the source of price data used to annually adjust the severance tax rate on natural gas, natural gasoline, casinghead gasoline, and other natural gas "liquids"; to provide for an effective date; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolutions have been properly enrolled:

**SENATE CONCURRENT RESOLUTION NO. 59—**  
BY SENATOR HAINKEL AND REPRESENTATIVES BRUNEAU,  
CAZAYOUX AND LAFLEUR

A CONCURRENT RESOLUTION

To commend and congratulate Richard Lipsey and Haspel Brothers on their seersucker suit product being designated by the *Wall Street Journal* as the "best overall, best value".

**SENATE CONCURRENT RESOLUTION NO. 62—**  
BY SENATOR HAINKEL AND REPRESENTATIVE DOWNER  
A CONCURRENT RESOLUTION

To designate May 2003 as American Legion Auxiliary Poppy Month.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Concurrent Resolutions were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

**SENATE BILL NO. 14—**  
BY SENATOR CAIN

**AN ACT**

To amend and reenact R.S. 56:302.9(A)(1), relative to charter boat fishing guide licenses; to provide requirements for issuance of saltwater charter boat guide licenses; and to provide for related matters.

**SENATE BILL NO. 20—**

BY SENATOR SMITH AND REPRESENTATIVES BAUDOIN, BRUCE, DOWNS, FANNIN, FRITH, HILL, KENNEY, LAFLEUR, MORRISH, JACK SMITH

**AN ACT**

To amend and reenact Part III of Chapter 18 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2650 through 2653, and R.S. 3:2691, relative to livestock; to provide for the liability and prosecution of owners of dogs that kill, harass, or wound livestock; to authorize any person finding any dog not on the premises of its owner, harbored, or possessed to kill any dog harassing, wounding, or killing livestock; to authorize police juries to enact ordinances for the protection of livestock; and to provide for related matters.

**SENATE BILL NO. 40—**

BY SENATOR SCHEDLER AND REPRESENTATIVES CAPELLA, GALLOT, HEATON, M. JACKSON, MARTINY, RICHMOND, WALSWORTH AND WELCH

**AN ACT**

To amend and reenact R.S. 46:1844(W)(1) and to enact the Children's Code Art. 811.1(G)(3), relative to rights of certain crime victims; to provide for the rescission of certain confidentiality requirements with respect to information for the AMBER Alert network; and to provide for related matters.

**SENATE BILL NO. 285 (Duplicate of House Bill No. 1467)—**  
BY SENATORS LENTINI AND REPRESENTATIVE ANSARDI AND COAUTHORED BY SENATORS HEITMEIER, SCHEDLER AND HOLDEN  
**AN ACT**

To amend and reenact R.S. 26:2(8) and 74(A), 271(A)(3), and 274(A), relative to alcoholic beverages; to provide relative to alcoholic beverage permits; to authorize permitting of commercial airlines as liquor retail distribution centers for such beverages; to provide relative to permits for dealers in beverages of low alcoholic content; to provide for permitting of a commercial airline as a retailer for such beverages; to prohibit the requirement of local permits or fees for commercial airlines; and to provide for related matters.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 30, 2003

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Resolution has been properly enrolled:

**SENATE RESOLUTION NO. 14—**

BY SENATORS HAINKEL, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FONTENOT, GAUTREAU, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, TARVER, THEUNISSEN, THOMAS AND ULLO  
**A RESOLUTION**

To acknowledge Senator Cleo Fields and Senator Mike Smith for the decisive and necessary action taken by them to protect the Flag of the United States of America and to commend them for exercising their patriotism by recovering the flag and seeing it returned to the United States.

Respectfully submitted,  
CHRIS ULLO  
Chairman

The foregoing Senate Resolution was signed by the President of the Senate and presented to the Secretary of State by the Secretary.

**Message to the Secretary of State**

**SIGNED  
SENATE CONCURRENT RESOLUTIONS**

April 30, 2003

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 1—**

BY SENATORS LAMBERT, ADLEY, BARHAM, BEAN, BOISSIERE, CHAISSON, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAU, HAINKEL, HINES, HOLDEN, HOLLIS, HOYT, IRONS, B. JONES, C. JONES, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SMITH, TARVER, THEUNISSEN AND THOMAS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to hold a national referendum to maintain the words "one nation under God" in the Pledge of Allegiance.

**SENATE CONCURRENT RESOLUTION NO. 3—**

BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To commend the March of Dimes on their campaign to reduce the number of premature births.

**SENATE CONCURRENT RESOLUTION NO. 4—**

BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To designate August, 2003, as Adrenoleukodystrophy Awareness Month.

**SENATE CONCURRENT RESOLUTION NO. 5—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To designate and proclaim the city of Natchitoches as the Meat Pie Capital of Louisiana.

**SENATE CONCURRENT RESOLUTION NO. 8—**

BY SENATORS HINES AND ROMERO AND REPRESENTATIVE BAUDOIN

**A CONCURRENT RESOLUTION**

To designate the town of Arnaudville "A Jewel on the Teche".

**SENATE CONCURRENT RESOLUTION NO. 10—**

BY SENATOR LAMBERT

**A CONCURRENT RESOLUTION**

To recognize the Louisiana Comprehensive Cancer Control Coalition and urge recognition and support for developing a Comprehensive Cancer Control Plan for Louisiana.

**SENATE CONCURRENT RESOLUTION NO. 23—**

BY SENATORS HAINKEL, SCHEDLER, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAU, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO

**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the Legislature of Louisiana on the death of former Sergeant-at-Arms of the Louisiana State Senate, Mac L. "Big Mac" Casse.

**SENATE CONCURRENT RESOLUTION NO. 24—**

BY SENATOR THEUNISSEN

**A CONCURRENT RESOLUTION**

To recognize and acknowledge the significant contributions of the community and technical colleges in Louisiana to the education and training of students and workers, and to designate the month of April as "Community and Technical College Month in Louisiana".

**SENATE CONCURRENT RESOLUTION NO. 25—**

BY SENATOR THEUNISSEN

**A CONCURRENT RESOLUTION**

To commend and support the Advisory Committee on International Education on their continued collaborative effort to establish a state international education policy for the state of Louisiana and its institutions of postsecondary education.

**SENATE CONCURRENT RESOLUTION NO. 26—**

BY SENATOR HOLLIS

**A CONCURRENT RESOLUTION**

To commend "The Shaw Group, Inc.", on their continued growth in Louisiana and to congratulate them on the occasion of being named as one of the nation's five hundred largest companies as determined by *Fortune* magazine.

**SENATE CONCURRENT RESOLUTION NO. 27—**

BY SENATOR LAMBERT

**A CONCURRENT RESOLUTION**

To invite Chief Justice Pascal Calogero of the Louisiana Supreme Court to address a joint session of the legislature.

**SENATE CONCURRENT RESOLUTION NO. 28—**

BY SENATOR DUPRE AND REPRESENTATIVE BALDONE

**A CONCURRENT RESOLUTION**

To commend the South Terrebonne High School Band and its band director, Jason Lyons, for receiving the Grand Champion Trophy for "The Best Marching Band" in the Krewe of Rex.

**SENATE CONCURRENT RESOLUTION NO. 29—**

BY SENATOR HEITMEIER

**A CONCURRENT RESOLUTION**

To commend the Archbishop Shaw High School cheerleaders and their coaches upon winning the 2003 Universal Cheerleaders Association National Championship.

**SENATE CONCURRENT RESOLUTION NO. 32—**

BY SENATORS HAINKEL, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAU, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO AND REPRESENTATIVES ALARIO,

ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WELCH, WINSTON, WOOTON AND WRIGHT

**A CONCURRENT RESOLUTION**

To recognize and acknowledge the work, accomplishments, and contributions of Carol Coltharp and to offer the condolences of the legislature to her family.

**SENATE CONCURRENT RESOLUTION NO. 33—**

BY SENATORS HAINKEL, ADLEY, BAJOE, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAU, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS AND ULLO AND REPRESENTATIVES ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WELCH, WINSTON, WOOTON AND WRIGHT

**A CONCURRENT RESOLUTION**

To commend the crew of the space shuttle Columbia and offer the condolences of the legislature to their families.

Respectfully submitted,  
MICHAEL S. BAER, III  
Secretary of the Senate

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Bean	1 Day	Fields	½ Day
Fontenot	½ Day	Heitmeier	½ Day
Holden	½ Day	Irons	½ Day
Lambert	1 Day	McPherson	½ Day
Romero	½ Day	Tarver	½ Day

**Adjournment**

Senator Adley moved that the Senate adjourn until Thursday, May 1, 2003, at 9:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:00 o'clock A.M. on Thursday, May 1, 2003.

MICHAEL S. BAER, III  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk